

**The Corporation of the  
Township of Guelph/Eramosa**

**By-law Number 40/2021**

**A By-law to provide rules governing the order and  
proceedings of Council and the Committees of Council of  
the Corporation of the Township of Guelph/Eramosa and  
the repeal and replace By-law 5/2018**

**WHEREAS** Section 238(2) of the Municipal Act, 2001 provides that every municipality shall pass a procedure by-law for governing the calling, place, and proceeds of Meetings;

**AND WHEREAS** the Council of Township of Guelph/Eramosa considers it necessary to enact a by-law in this regard and to repeal By-law 5/2018, as amended;

**AND WHEREAS** Council shall also follow the regulations as set out within the *Municipal Conflict of Interest Act*, and the parliamentary authority of Robert's Rules of Order, latest edition;

**NOW THEREFORE** the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

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## Article I. General Provisions

### Section 1.01 Application and Interpretation

- a) This By-law (referred to as the “Procedure By-law”) establishes the rules of order for Council and Committee Meetings.
- b) A word in this by-law expressed in the singular has a corresponding meaning when used in the plural.
- c) Any future amendment(s) to the Municipal Act or other legislation as noted in the by-law may alter the sections and subsections of the legislation referenced but shall not affect the validity of the by-law or any part thereof.
- d) In an event of conflict between the Procedure By-law and legislation, the provisions of the legislation prevail.
- e) A specific statement or rule in this Procedure By-law has greater authority than a general one.
- f) If there is a conflict between two or more rules in the Procedure By-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices or refer to Robert’s Rules of Order.

### Section 1.02 Principles of the Procedure By-law

- a) The principles of openness, transparency and accountability to the public guide the Township’s decision-making process. In the context of Council and other Committee proceedings, this is accomplished by:
  - i. Ensuring the decision-making process is understood by the public and stakeholders;
  - ii. Providing access to information opportunities for input and other stakeholders consistent with the requirements of this By-law and other statutory requirements;
  - iii. Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.
- b) The principles of parliamentary law governing Council and Committee Meetings includes:
  - i. The majority of Members have the right to decide;
  - ii. The minority of Members have the right to be heard;

- iii. All Members have the right to information to help make decisions, unless otherwise prevented by law;
- iv. All Members have the right to an efficient Meeting;
- v. All Members have the right to be treated with respect and courtesy; and,
- vi. All Members have equal rights, privileges and obligations.

### **Section 1.03 Suspension of Rules**

- a) A rule of order provided for in this Procedure By-law may be suspended by a two-thirds (2/3) vote of Council or Committee, for the purpose of that Meeting or for purposes of a specific matter, with the exception of the following circumstances:
  - i. Where required by law
  - ii. Contractual agreement binding the Township
  - iii. Amending this procedure by-law,
  - iv. Quorum requirements

### **Section 1.04 Administrative Authority of Clerk**

- a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.

## **Article II. Definitions**

1. **Act** means the Municipal Act, 2001, c.25 as amended or replaced from time to time.
2. **Advisory Committee** means a Committee created by Council with a defined set of responsibilities providing advice to Council through a Managing Director.
3. **Alternate Acting Mayor** means the Councillor who is appointed in Ward order to serve two months each, to act in place of the Mayor and/or Deputy Mayor as required.
4. **CAO** means the Chief Administrative Office of the Township of Guelph/Eramosa
5. **Chair** means the presiding officer at a Council or Committee Meeting.
6. **Clerk** means the Municipal Clerk, or his or her designate.
7. **Closed Meeting** means a Meeting or part of a Meeting that is closed to the public as permitted by the Municipal Act.
8. **Committee** means Committee of the Whole, advisory committee or other committee as appointed by Council.
9. **Committee of the Whole** means a Committee comprised of all Members of Council.
10. **Council** means the Township's elected representatives, comprised of the Mayor and Councillors.
11. **Councillor** means any Member of Council, other than the Mayor.
12. **Delegate** means any person, group of persons, or organization, who is neither a Member of Committee or Council or an appointed official of the Township and who is speaking to Committee or Council.
13. **Deputy Mayor** means a Member of Council appointed from within to act in the absence of the Mayor.
14. **Electronic Participation** means Council or Committee, as a whole participating remotely in any open or closed Council or Committee Meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance including the right to vote, and shall count towards a quorum of Members.
15. **Friendly Amendment** means the motion under debate is amended with the consent of the mover and seconder, is keeping with the general intent and without the requirement for an amending motion to be made.
16. **Majority** means a vote of more than half of the Members present and not prohibited by statute from voting.
17. **Mayor** means the Mayor of the Township of Guelph/Eramosa.
18. **Meeting** means a Meeting of Council or Committee where a quorum of Members is present and Members discuss or otherwise deal with any matter in a way that materially advances the business of Council or Committee.
19. **Member** means a Member of Council including the Mayor or a Member of Committee including the Chair.

20. **Motion** means a proposal, moved by one Member and seconded by another Member to adopt, amend or otherwise deal with a matter before Council or Committee.
21. **Motion to defer** means a motion to delay consideration of a matter until later in the same Meeting or at a future Meeting of Council or Committee.
22. **Motion to refer** means a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and if deemed desirable, one or more reports from any Committee, body or official.
23. **Notice of Motion** means a written notice respecting a substantive matter not on the agenda, submitted to the Clerk, for inclusion on the agenda of a future Council Meeting.
24. **Point of Order** means a question by a Member with a view to calling attention to any issue relating to this by-law or the conduct of Council's business or in order to assist the Member in understanding Council's procedures making an appropriate motion or understanding the effect of a motion.
25. **Point of Privilege** means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that his or her integrity or that of a Member or Township official has been impugned or questioned by a Member.
26. **Presentation** means information presented to Council or committee in person by an individual or group on an issue which typically does not require any action to be taken by Council or committee.
27. **Quorum** means a majority of the Members.
28. **Township** means the Township of Guelph/Eramosa.
29. **Two Thirds** means two-thirds of the Members present at the Meeting.
30. **Vice-Chair** means a member appointed by committee to serve as chair in their absence.

## Article III. Duties and Conduct

### Section 3.01 Chair of Meeting

- a) The Chair of Council, Committee of the Whole or a workshop is the Mayor. In the absence of the Mayor, the Deputy Mayor is Chair.
- b) The Chair and Vice Chair of other Committees are appointed from amongst the Membership.

### Section 3.02 Appointments to Committees and Boards

- a) Appointment of Council representation to Township Advisory Committees and Boards and organizations shall be recommended by the Mayor and approved by Council.
- b) Appointment of citizen Members of Advisory Committees shall be recommended by the Clerk in consultation with the Managing Director and approved by Council.

### Section 3.03 Duties of the Chair

- a) As soon as there is a quorum present after the time set for a Meeting, the Chair shall call the Meeting to order.
- b) The Chair shall preside over the Meetings of Council and Committee so business can be carried out efficiently and effectively, and shall:
  - i. Maintain order and preserve the decorum of the Meeting;
  - ii. Rule on all procedure matters, without debate or comment;
  - iii. Receive and submit to a vote all motions presented by the Members that do not contravene the rules of procedure;
  - iv. Decline to put to a vote motions which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;
  - v. Announce the result of the vote on any motions presented for a vote;
  - vi. Expel or exclude from any Meeting any person whom the Chair feels has exhibited improper conduct at the Meeting;
  - vii. Adjourn or suspend the Meeting if he or she considers it necessary because of grave disorder;
  - viii. Close the Meeting when business is concluded or recess the Meeting as required;
  - ix. The Chair, after one warning, shall call by name any Member persisting in breach of the rules of procedure, order him or her to leave the Meeting. If the

- Member refuses to leave the Meeting, the Chair may request the CAO to contact security or Police for assistance;
- x. All matters not covered by this Procedure By-law shall be decided by the Chair. The Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice, following which the Chair shall announce his or her ruling;
  - xi. If a Member disagrees with the ruling of the Chair, he or may appeal the ruling of the Chair. The Chair, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Chair may provide further explanation of the ruling prior to calling the vote and announce the results of the vote;
  - xii. If necessary, the Chair may call a recess for a brief and specified time to consult the Clerk or CAO;
  - xiii. If there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder, the Chair may recess the Meeting for a specified time;
  - xiv. Ensure all Members who wish to speak have spoken;
  - xv. Ensure clarity, where required, by reading, or requesting the Clerk or other appropriate person to read motions before voting;
  - xvi. Vote on all matters unless the Municipal Conflict of Interest Act prohibits it;
  - xvii. Adjourn when the business of the Meeting in concluded;
  - xviii. Authenticate, when necessary, by their signature, all by-laws and minutes; and
  - xix. Recessing the Meeting after two (2) hours has passed since the last recess, unless there is unanimous consent to continue without such.

#### **Section 3.04 Deputy Mayor & Alternate Acting Mayor**

- a) At the earliest opportunity following a municipal election, Council shall appoint a Member as Deputy Mayor, to hold office for Council's term or until their successor is appointed.
- b) When the Mayor is absent through illness or otherwise, the Deputy Mayor may exercise all the rights, powers and authority of the Mayor as Head of Council.
- c) In the event that both the Mayor and Deputy Mayor are absent through illness or otherwise, an alternate Acting Mayor is determined as follows:
  - i. The alternate Acting Mayor is the Ward Councillor in ascending order as follows:
    - a. Ward 1 – January, February, March
    - b. Ward 2 – April, May, June
    - c. Ward 3 – July, August, September
    - d. Ward 4 – October, November, December
  - ii. Where a Councillor is not available to serve as alternate Acting Mayor, the Alternate Acting Mayor will be the next available Councillor in ascending order.
  - iii. Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.
  - iv. The Clerk provides, as required, Notice by electronic mail to Council Members, CAO and Managing Directors when the Deputy Mayor and alternate Acting Mayor assume the duties of the Mayor.
  - v. The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.

#### **Section 3.05 Members**

- a) Members shall:
  - i. Attend scheduled Meetings;
  - ii. Carefully consider and make decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
  - iii. Vote on all motions put to a vote unless the Municipal Conflict of Interest Act prohibits it;
  - iv. Respect the Rules of Order as set out in this Procedure By-law;
  - v. Listen attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Privilege, as set out in this By-law;

- vi. Remain silent in their seats while Council or Committee votes until the Chair announces the result;
- vii. Refrain from using any offensive, disrespectful or unparliamentarily language;
- viii. Respect and follow the decisions of Council or Committee;
- ix. Respect the confidentiality of matters discussed in Closed Meetings and not disclose the subject or substance of these discussions unless authorized to do so;
- x. Address Members of Council and staff by their appropriate title;
- xi. Comply with the ruling of the Chair and Council's decisions.

### **Section 3.06 Attendees**

- a) The Chair may expel or exclude any person who disrupts a Meeting, and request security and/or Police assistance in doing so.
- b) No persons, other than Council Members and staff are permitted to approach the area where Council and staff are seated, unless they are invited by the Chair.
- c) Attendees will submit all material for Council through the Clerk.
- d) Attendees are responsible for:
  - i. Maintaining order and not heckling or engaging in conversation, displaying placards or props or any behaviour that may be considered disruptive;
  - ii. Speaking respectfully at all times;
  - iii. Ensuring all personal digital devices are turned off or set to silent mode during a Meeting;
  - iv. Using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or ceasing to use recording, broadcasting or streaming devices.

### **Section 3.07 Rules of Debate**

- a) The Chair will give each Member an opportunity to speak. All questions must be directed through the Chair. The Chair will ask if there are any additional questions once all Members have been given the opportunity to speak once.
- b) The Chair ensures all Members who wish to speak have spoken.
- c) No Member shall speak to the main question for more than five (5) minutes and not more than once to the main question without approval of Council, except in explanation of a material part of the Member's speech which may have been misunderstood, but they may not introduce a new matter. A right of reply shall be allowed to a Member who has made a substantive motion to Council, and no Member shall, without leave of Council, speak to the same question or in reply for longer than five (5) minutes.
- d) When a Member is speaking, no interruptions are permitted except to raise a Point of Order or a Point of Privilege as set out in this By-law.
- e) Comments are to be relevant to the matter of business before Council or Committee. Members should avoid comments intended to be statements or assertions.
- f) Members shall express themselves succinctly without repetition.
- g) Questions or clarification may be asked only of:
  - i. The Chair,
  - ii. A Member,
  - iii. Staff, or
  - iv. Delegation.

### **Section 3.08 Point of Order**

- a) A Member may raise a Point of Order when such Member feels there has been:
  - i. A deviation or departure from the rules set out in this By-law; or
  - ii. A deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion.
- b) Where a Member raises a Point of Order, the Chair shall:
  - i. Interrupt the matter under consideration;
  - ii. Ask the Member raising the Point of Order to state the substance of and the basis for the Point of Order; and
  - iii. Rule on the Point of Order immediately without debate by Council or Committee.

- c) A Member may appeal the ruling of the Chair to Council or Committee which will then decide whether to uphold the decision or overturn the decision, without debate, by way of a majority vote of the Members present. If there is no appeal, the decision of the Chair shall be final.

### **Section 3.09 Point of Privilege**

- a) A Member may raise a Point of Privilege at any time if he or she considers their integrity, the integrity of Council or Committee as a whole or staff has been impugned.
- b) Where a Member raises a Point of Privilege, the Chair shall:
  - i. Interrupt the matter under consideration;
  - ii. Ask the Member raising the Point of Privilege to state the substance of and the basis for the Point of Privilege; and
  - iii. Rule on the Point of Privilege immediately without debate by Council or Committee.
- c) A Member of Council or Committee may appeal the ruling of the Chair to Council or Committee which will then decide whether to uphold the decision or overturn the decision, without debate, by way of a majority vote of the Members present. If there is no appeal, the decision of the Chair shall be final.
- d) Where the Chair considers the integrity of any Member or staff has been impugned or questioned, the Chair may permit that Member or staff to make a statement to Council or Committee.

## **Article IV. Meetings**

### **Section 4.01 Inaugural Council Meeting**

- a) The first Meeting of Council following a regular election shall be held at a date and time set by the Clerk in accordance with the Municipal Act. The Meeting will be held in the Council Chamber at the Municipal Office or at such alternate location as determined by the Clerk.
- b) At the Inaugural Meeting of Council, each Member present shall make his or her declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate. Council shall not proceed with any regular business at this Meeting.

### **Section 4.02 Regular Meetings**

- a) Regular Meetings of Council or Committee shall be held in accordance with the schedule/calendar adopted by Council, except when otherwise directed by a resolution of Council or Committee.
- b) Notwithstanding subsection a), in the year of a municipal election, no Meetings of Council or Committee shall be held after the Wednesday following Thanksgiving Day, until the inaugural Meeting of the new Council.

### **Section 4.03 Location and Schedule of Meetings**

- a) Meetings of Council and Committee of the Whole will take place at the Municipal Office or at another location within the municipality or as provided for in the Municipal Act, 2001, as amended when notice is given.
- b) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended. The schedule of Meetings is posted on the Township's website and available from the Municipal Office.
- c) The Meeting schedule of all other Committees is determined by its Membership, in accordance with each Committee's terms of reference and/or prescribed mandate.

### **Section 4.04 Special Council or Committee Meetings**

- a) A special Meeting of Council or Committee may be called by the Mayor or Chair, or by the Mayor in consultation with the Clerk, at any time. A Special Meeting of Council or Committee is limited to business included in the Notice of Meeting.

### **Section 4.05 Emergency Council Meetings**

- a) Notwithstanding any other provision in this Procedure By-law, the Mayor, at any time, may call or provide Notice of an Emergency Meeting of Council. An Emergency Meeting of Council is limited to business matters included in the Notice of the Meeting.

#### **Section 4.06 Workshop**

- a) The Mayor and/or CAO may convene a workshop for Members of Council for the purpose of educating or training, for providing the Members with information and/or advice, or to solicit input from the Members. With the exception of Procedural matters, no motions are passed, no decisions are made. Workshop meetings are not generally livestreamed.

#### **Section 4.07 Cancellation or Postponement of Meetings**

- a) A Regular, Special or Emergency Meeting of Council or Committee of the Whole or a workshop may be cancelled or postponed where quorum cannot be achieved, by Council resolution, in the event of an emergency, or where the Meeting is deemed no longer required by the Mayor and/or Clerk.
- b) The Clerk gives Notice of the cancellation or postponement of a regular, special or emergency Meeting of Council or Committee of the Whole or a workshop on the Township website. Where time is limited, a Notice is posted on the main entrance of the Municipal Office.
- c) Meetings of other Committees may be cancelled or postponed by the Clerk, Chair or other assigned person where quorum cannot be achieved, in the event of an emergency or where the Meeting is deemed by the Clerk to be no longer required.

#### **Section 4.08 Late Arrival**

- a) If a Member arrives late to a Meeting, any prior discussion is not reviewed without the consent of the Members present.

#### **Section 4.09 Notice of Meetings**

- a) The Clerk gives Notice of a Regular Meeting of Council or Committee of the Whole by:
  - i. Providing Council with a regular agenda by each Thursday preceding a Meeting day of Council or Committee of the Whole; and
  - ii. Posting the agenda to the Township Website.
- b) The Clerk gives Notice of other Committees by:
  - i. Providing an agenda to Committee Members 3 business days prior to the Meeting; and
  - ii. Posting the agenda to the Township Website.
- c) The Clerk gives Notice of Special Meetings of Council by:
  - i. Providing Council with an agenda in person, or by electronic mail at least 48 hours prior to the Meeting; and
  - ii. Posting the agenda to the Township Website.
- d) The Clerk gives Notice of Emergency Meetings of Council by:
  - i. Providing Council with an agenda in person, or by electronic mail at least 24 hours prior to the Meeting and the general nature of the matters to be discussed.
  - ii. Posting the agenda to the Township Website.
- e) The Clerk gives Notice of a Workshop by:
  - i. Providing Notice to Council in person or by electronic mail indicating the date and time of the workshop and the general nature of the matters to be discussed; and
  - ii. Posting the agenda to the Township Website.
- f) The Clerk, in consultation with the Mayor or Committee Chair, may cancel any Meeting prior to its scheduled commencement and shall provide appropriate notice of the cancellation.
- g) Failure of any person outlined herein to receive notice of a Meeting shall not affect the validity of the Meeting, nor any decisions, recommendations, or actions resulting therefrom.

#### **Section 4.10 Notice of Meeting Closed to the Public**

- a) Where a matter may be considered by Council or Committee for discussion in closed session, whenever possible, written Notice will include:
  - i. The fact the Meeting will be closed to the public as provided by the appropriate legislation.
  - ii. The general nature of the matter to be considered at the Closed Meeting.

#### **Section 4.11 Invalidation of the Notice of Meeting**

- a) If Meeting Notice is substantially given, but varies from the form and manner provided in this Procedure By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.

#### **Section 4.12 Quorum**

- a) Members of Council will attempt to advise the Clerk at least three business days in advance if unable to attend a Meeting of Council, Committee of the Whole or a workshop. If quorum cannot be achieved, the Meeting is cancelled and Council is advised by the Clerk.
- b) If quorum is not achieved within fifteen (15) minutes after the time appointed for a Meeting of Council, Committee of Whole or a Workshop, the Clerk will record the names of the Council Members present and the Meeting is adjourned until the date of the next regular Meeting.
- c) Where there is an insufficient number of Council Members present to achieve quorum at a Meeting of Council, Committee of the Whole, Special Meeting, Emergency Meeting or a workshop due to a provision of the Municipal Conflict of Interest Act, the remaining Members shall constitute quorum, provided such number is not less than two (2).
- d) Members of other Committees will attempt to advise the Clerk and Chair, at least three business days in advance, if unable to attend a Committee Meeting. If quorum cannot be achieved, the Meeting is cancelled and the Committee is advised by the Clerk.
- e) If quorum cannot be achieved within fifteen (15) minutes after the time appointed for a Meeting of a Committee, the Meeting is adjourned until the date of its next regular Meeting. With respect to Advisory Committees, remaining Committee Members may have an informal discussion on matters, but no motions are passed or actions taken. The Clerk will not be required to remain for the informal discussion.

#### **Section 4.13 Open & Closed Meetings**

- a) All Meetings shall be open to the public, except as provided for in the Municipal Act. Council or Committee may convene in a closed session in order to discuss the following matters:
  - i. the security of the property of the municipality or local board;
  - ii. personal matters about an identifiable individual, including municipal or local board employees;
  - iii. a proposed or pending acquisition or disposition of land by the municipality or local board;
  - iv. labour relations or employee negotiations;
  - v. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - vi. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii. a matter in respect of which a council, board, committee or other body may hold a closed Meeting under another Act;
  - viii. information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - ix. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - x. a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
  - xi. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
  - xii. the Meeting is held for the purpose of educating or training the Members, providing no Member discusses or otherwise deals with any matter in a way

that materially advances the business or decision-making of the council, local board or committee.

- b) Council or Committee shall also convene into a Closed Meeting for the following purposes:
  - i. a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
  - ii. an ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection.
- c) Before holding a Meeting or part of a Meeting closed, Council or a Committee approves a motion, stating the following:
  - i. The fact the Meeting will be closed to the public as provided by the appropriate legislation; and
  - ii. The general nature of the matter to be considered at the Meeting closed to the Public.
- d) No Vote will be taken at a closed Meeting unless the vote is procedural or giving direction to staff or persons retained by or under contract with the Municipality.
- e) Recording of Minutes
  - i. The Clerk shall attend all closed Meetings and record the proceedings, including procedural motions and direction given to staff, without note or comment.
  - ii. The Clerk may delegate the Clerk's duties with respect to recording minutes in a closed Meeting of Council or Committee to a staff person.
- f) Reporting & Confidentiality of Closed Meeting Discussions
  - i. When appropriate, the Mayor or Chair shall report at an open Meeting following the closed Meeting and summarize actions taken, if any.
  - ii. Matters discussed in a closed Meeting requiring a decision will be brought forward to an open Meeting of Council or Committee.
  - iii. No Member shall disclose or discuss, through written, electronic or verbal communication to any individual or third party, any information that has been or will be discussed at a closed Meeting of Council or Committee until such time that Council or Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or if directed to do so by a court.
- g) Open & Closed Meeting Provisions to all Committees
  - i. The provisions of Section 239 of the Municipal Act and of this Procedure By-law pertaining to Closed Meetings apply to all Committees.
- h) Closed Meeting Investigation
  - i. A person may request an investigation be undertaken to determine whether Council or Committee complied with the requirements of the Municipal Act and this Procedure By-law with respect to Closed Meetings or part of a Closed Meeting. A person may initiate such a request by following instructions, which is available on the Township's website or from the Clerk.
  - ii. If a report of a Closed Meeting Investigation finds a Meeting or part of a Meeting appeared to be improperly closed to the public, contrary to section 239 of the Municipal Act or this Procedure By-law, Council shall pass a resolution stating how it intends to address the report.

#### **Section 4.14 Preparation of Agendas**

- a) The CAO and staff are charged with providing guidance and recommendations to Council related to municipal business and to implement Council decisions.
- b) The Clerk provides administrative processes to support the approval, preparation, notice, publication and distribution of the agenda, in consultation with the CAO.
- c) The Clerk prepares and makes public an agenda for all Council and Committees and will endeavour to do so 3 full business days immediately preceding the Meeting.

#### **Section 4.15 Record of the Meeting**

- a) The Clerk records the minutes of Council and Committee of the Whole Meetings without note or comment. The minutes shall include:
  - i. The date, time and location of the Meeting;
  - ii. The name of all Members in attendance;
  - iii. The name and nature of presenters and delegations at the Meeting;
  - iv. All resolutions, decisions and other proceedings to the Meeting.
- b) Minutes of each Council Meeting are presented to a subsequent regular Council Meeting for approval.
- c) Minutes of Committee of the Whole Meetings are submitted a subsequent scheduled regular Council Meeting for approval.
- d) Minutes of Council and Committees will be posted on the Township's website following approval by Council.
- e) Minutes of other Committees, as designated by Council, are submitted to Committee of the Whole for information following approval by the Committee.
- f) The receipt of minutes from other Committees by Council does not constitute endorsement by the Township of any recommendations or actions contained therein.

#### **Section 4.16 Public Record**

- a) All Communications the Clerk receives pertaining to a matter on the agenda of a public or open Meeting will form part of the public record. Personal Information and opinion in communications are part of the public record unless the author of the communication requests the removal of their personal information when submitting it, or where confirmed by the Clerk.

#### **Section 4.17 Recording, Broadcasting and/or Streaming**

- b) All Council and Committee Meetings may be audio and/or video recorded, broadcast and/or streamed publicly by the Township with the exception of proceedings closed to the public provided for by the Municipal Act or this Procedure By-law. Workshop Meetings will not be live-streamed.

#### **Section 4.18 Electronic Meeting Participation**

- a) Members of Council as a whole may participate in any open or closed Council, Special Council or Committee of the Whole Meetings electronically and be counted for the purpose of establishing quorum.
- b) A member cannot participate electronically for more than 3 consecutive meetings, unless in extraordinary circumstances as determined by the Mayor and Clerk.
- c) If a member chooses electronic participation, they must continue with electronic participation for the duration of the meeting.
- d) A Member who joins a Meeting via electronic participation partway through the Meeting shall advise the Chair and Clerk of their attendance at the Meeting.
- e) A Member who is participating electronically in a Meeting who, for any reason, will no longer be attending the Meeting prior to adjournment, shall advise the Chair and Clerk of their absence from the Meeting prior to and when they will be leaving the Meeting. Pursuant to the Municipal Conflict of Interest Act, as amended, Members who have declared a pecuniary interest regarding a matter being discussed, and are participating electronically, shall leave the electronic Meeting and not participate in any way with respect to the matter in question.
- f) Delegations may participate in an electronic Meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the Clerk.
- g) Any Member of a Committee, local board, agency, commission and/or association may participate in Meetings electronically and be counted for the purpose of establishing quorum.

### **Article V. Advisory and Ad Hoc Committees**

#### **Section 5.01 Advisory Committees**

- a) Advisory Committees are created by Council with no defined ending, serving to make recommendations and/or to provide key information and materials to Council. Each Advisory Committee shall have a Terms of Reference outlining the Committee's purpose and guidelines for Membership, etc. Staff will provide written reports/memos to the Advisory Committees outlining options or recommendations,

those options and/or recommendations will then be brought forward to Council through a staff report.

- b) Advisory Committees are appointed by Council at the beginning of each term.
- c) A minimum of one (1) Council Representative will be appointed in accordance with Section 3.02.
- d) The Chair and Vice-Chair of Advisory Committees are appointed from amongst the Membership and Chair, or Vice-Chair shall not be a Member of Council.

#### **Section 5.02 Ad Hoc Committees**

- a) Council may appoint Ad Hoc Committees, with a defined ending, to consider a specific matter and report to Council through the CAO or a Managing Director.

### **Article VI. Order of Business**

#### **Section 6.01 Council**

Call to Order

Addendums and Corrections to the Agenda

Approval of Agenda

Approval of Minutes

Presentations and Announcements

Disclosure of Pecuniary Interest Under the Municipal Conflict of Interest Act

Public Meeting

Delegations

Regular Business

Notice of Motions

Motions (where Notice has been given)

By-laws

Closed Session

Reconvene in Open Session

Matters Arising from Closed Session

Confirmatory By-law

Adjourn

#### **Section 6.02 Committee of the Whole**

Call to Order

Addendums and Corrections to the Agenda

Approval of Agenda

Approval of Minutes

Disclosure of Pecuniary Interest Under the Municipal Conflict of Interest Act

Presentations and Announcements

Delegations

Regular Business

Information Items

Closed Session

Reconvene in Open Session

Matters Arising from Closed Session

Adjourn

#### **Section 6.03 Advisory Committees**

- a) The Order of Business for an Advisory Committees will be determined by the Clerk in consultation with the Managing Director or designate.

#### **Section 6.04 Re-Order Agenda**

- a) The Clerk may remove headings deemed not relevant except Declarations of Pecuniary Interest under the Municipal Conflict of Interest Act.

#### **Section 6.05 Addendums and Corrections to the Agenda**

- a) The Clerk shall provide a summary of the additional items and advise of any corrections to the agenda.
- b) Any changes will require the consent of Council or Committee under approval of the agenda.

#### **Section 6.06 Conflict of Interest Declarations**

- a) Members are required to declare conflicts of interest in accordance with the requirements of the Municipal Conflict of Interest Act and/or other relevant legislation.
- b) Where a Member has declared a conflict of interest, prior to any consideration of the matter at the Meeting, the Member shall:
  - i. Not take part in the discussion or vote on any questions in respect of the matter, and
  - ii. Not attempt in any way whether before, during or after the Meeting to influence the vote.

### **Section 6.07 Presentations/Announcements**

- a) Public Presentations
  - i. A request from an outside organization or individual to make a presentation to Council or committee shall only appear on an agenda upon approval of the Chair and CAO.
  - ii. A request from a charitable or benevolent organizations to make a presentation to Council and to request a donation in-kind or otherwise shall only appear on an agenda upon approval of the Chair and CAO.
  - iii. Public presentations are for information only and the purpose of the presentation must be to provide new or relevant information to Council or Committee of the Whole.
  - iv. A request from an outside organization or individual to make a presentation to Council or Committee shall be limited to a maximum of 10 minutes. The consent of Council or Committee of the Whole is required to extend a presentation beyond 10 minutes.
  - v. Presentations by an outside organization or individual shall not be permitted for the sole purpose of generating publicity or promotion.
  - vi. Outside organizations or individuals shall provide the Clerk with written material for inclusion on the agenda by the agenda publication deadline.
  - vii. Presentations by an outside organization or individuals shall not be added to an agenda as an addendum.
- b) Other Presentations
  - i. Presentations by staff or invited third parties shall endeavour to be a maximum of 10 minutes.
  - ii. Presentations by staff providing information with no accompanying report shall be heard at the end of a Council or Committee Meeting under Information Items.
  - iii. Presentations recognizing achievements shall be heard at the beginning of a Council or Committee Meeting.
  - iv. Where a staff or third-party presentation accompanies an item on an agenda, the item shall be placed under items for discussion with the report and shall be brought forward for consideration immediately after the presentation has been made. If delegates wish to speak on an item with a presentation, the item shall not be considered until all delegates on the item have been heard.

### **Section 6.08 Delegations**

- a) An individual or group may make a delegation at a Meeting of Council or Committee of the Whole related to an item of business on the agenda.
- b) Delegations that have previously appeared before Council or Committee of the Whole on a subject matter shall provide new information only in any subsequent presentations relating to that matter.
- c) An individual who is under eighteen (18) years of age must provide to the Clerk written permission from the individual's parent or guardian.
- d) Individuals who register as a delegation will have their name and the purpose of their delegation published on an agenda.
- e) For the purpose of Council and Committee agendas, delegations have until 12:00 p.m. on the last business day before the Council or Committee Meeting to notify the Clerk they wish to register as a delegation or to submit written submissions on items on the agenda.
- f) Requests to be a Delegation shall be in writing and shall include the person's complete name and contact information. The written request shall also include an

outline summarizing the presentation and outline specifically what action is being requested by Council or Committee of Council.

- g) Individual delegations are limited to five (5) minutes. In the case of a group of individuals wishing to address Council or a Committee of the Whole, the Clerk will encourage the group to appoint one or two persons to address Council or the Committee of the Whole on behalf of the group. The group is limited to ten (10) minutes for its delegation. Council or Committee may extend the time period by a majority vote of the Members present. Such a motion shall be decided without debate.
- h) No delegation shall be made to Council or Committee on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.
- i) No delegation shall speak on a matter that is not within the jurisdiction of the Council or Committee. The Mayor and Committee Chairs in consultation with the Clerk will determine if a matter is within the jurisdiction of the Council or Committee.
- j) No delegations shall be made to Notices of Motion on a Council or Committee agenda. Delegations will have an opportunity to speak at a subsequent Council or Committee Meeting when the item will be discussed.
- k) No delegations shall be permitted to speak on a Notice of Motion to reconsider.
- l) No delegations shall be permitted at workshops.
- m) Delegations shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.
- n) A delegation shall only register themselves to speak and may not register other delegations.
- o) Delegations will be permitted from the gallery without prior registration only during the appropriate time at a Public Meeting pursuant to other Acts.
- p) If a delegation is unable to attend the Meeting for which they are registered, they may provide their written submission to the Clerk.
- q) Members of Council or Committee of the Whole are permitted to ask individuals making a delegation questions only for clarification and to obtain additional relevant information; they shall not express an opinion or enter into debate with Delegations.
- r) Delegations shall not:
  - a. Speak disrespectfully of any person;
  - b. Use offensive words;
  - c. Speak on any subject other than the subject that they have received approval to address Council or Committee of Council;
  - d. Disobey a decision of the Chair or Council or Committee of Council;
  - e. Enter into cross debate with other Delegations, staff, Members or the Chair.
- s) The Chair may curtail any Delegation, any question of a Delegation or debate during a Delegation for disorder or any other breach of this By-law and, if the Chair rules that the Delegation is concluded, the person appearing as a Delegation shall withdraw from the Delegation table and the decision of the Chair shall not be subject to any challenge.
- t) Advisory Committees may put in place practices and procedures to hear delegations.

### **Section 6.09 Staff Reports**

- a) In accordance with established administrative protocols, reports prepared by staff, approved by the CAO, and submitted in writing to the Clerk and distributed with the agenda for the applicable Meeting of Council or Committee.
- b) Reports prepared by staff contain information and recommendations prepared in context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.

### **Section 6.10 Information Items**

An information report is prepared for the information of Council and usually presented at Committee of the Whole.

### **Section 6.11 Notice of Motion**

- a) The Member of Council will provide the proposed motion to the Clerk, in writing, for inclusion on a regular agenda of Council, for the purpose of giving notice.
- b) At a subsequent Council Meeting, the Member of Council who submitted the proposed motion will introduce and subsequently move the motion.
- c) A Member of Council may request the notice provisions be waived with the support of 4 Members of Council.
- d) No staff report will be prepared unless the motion is referred to staff for a further report.
- e) It is the duty of the Member of Council to:
  - i. Prepare the proposed motion in writing;
  - ii. Submit the proposed motion to the Clerk prior to the publication deadline for the regular agenda of Council;
  - iii. Ensure the content of the proposed motion allows for it to be published on a public agenda.

### **Section 6.12 By-laws**

- a) All by-laws shall be given first, second and third reading in a single motion by Council, unless otherwise required by legislation.
- b) A Confirmatory By-law is enacted at each Council Meeting.
- c) Every by-law adopted by Council is done so under the seal of The Corporation of the Township and signed by the Clerk or Deputy Clerk, and the Mayor, Deputy Mayor or alternate Acting Mayor.
- d) The following types of by-laws may be presented directly to Council without the requirement for a staff report:
  - i. Those directed to be presented to Council by Committee of the Whole or Council;
  - ii. Appointment of staff authorized by the CAO;
  - iii. General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution.

### **Section 6.13 Majority Vote**

- a) Unless the Procedure By-law states otherwise, a matter passes when a Majority of Members present vote in the affirmative.

## **Article VII. Motions**

### **Section 7.01 General**

- a) After a motion has been moved and seconded, it shall be deemed to be in the possession of Council or Committee. A motion or amending motion may be withdrawn with the consent of the Mover and Secunder at any time before amendment or decision.
- b) Council or Committee shall not debate any motion until it has been moved and seconded. Once a motion has been Seconded, it may upon request, be read or stated by the Chair or Clerk at any time during the debate.
- c) A friendly amendment is an amendment to a motion under debate that is perceived by all parties as an enhancement to the original motion and often only as clarification of intent and without the requirement for an amending motion to be made.
- d) If the Chair is of the opinion that an amending motion is contrary to the main motion, the Chair shall apprise the Members immediately. A Member of Council or Committee may appeal the ruling of the Chair. If there is no appeal, the decision of the Chair shall be final. The Council or Committee, if appealed to, shall vote on the motion without debate and that decision shall be final.
- e) When a motion is under consideration, no other motion shall be received unless it is a motion:
  - i. To refer the motion to Committee, Council, or staff. A motion to refer is:
    - i. Open to debate
    - ii. Amendable; and
    - iii. Shall preclude amendment or debate of the preceding motion.
  - ii. To amend the motion. A motion to amend is:
    - i. Open to debate
    - ii. Shall not propose a direct negative to the main motion.
    - iii. Shall be relevant to the main motion.

- iv. Is subject to only one further amendment, and any amendment more than one must be to the main motion.
- v. If more than one, shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main motion is put to the vote.
- iii. To defer the motion to another time. A motion to defer:
  - i. Is not open to debate;
  - ii. Is not subject to amendment; and
  - iii. Applies to the main motion and any amendments thereto under debate at the time the motion to defer is put forth.
- iv. To adjourn the Meeting. A motion to adjourn:
  - i. Is not open to debate.
  - ii. Is not subject to amendment; and
  - iii. Shall always be in order.
- v. To call a vote on the motion. A motion to call a vote on the motion:
  - i. Cannot be amended;
  - ii. Cannot be proposed when there is an amendment under consideration;
  - iii. When resolved in the affirmative, shall be forwarded by voting on the motion, without debate or amendment;
  - iv. When resolved in the negative, shall be followed by resumption of debate; and
  - v. Shall always be in order.
- f) Once all motions relating to the main motion have been dealt with, and once the main motion is put, there shall be no further discussion or debate and the motion shall be immediately voted on.
- g) A motion may be voted against by the Mover and Seconder.

#### **Section 7.02 Reconsideration of a Council Decision**

- a) Council may reconsider an entire resolution that was decided during any term of Council. A reconsideration of a portion of a resolution shall not be permitted. Such reconsideration can either amend the previous decision or rescind it.
  - i. No resolution shall be reconsidered more than once during the term of Council.
  - ii. A motion to reconsider shall not be reconsidered.
- b) Reconsideration at the same Meeting
  - i. A Member who voted on the prevailing side of a decision may bring a motion to reconsider at the same Meeting at which the question to be reconsidered was dealt with and shall require the support of a majority of the Members present.
- c) Reconsideration at the subsequent Meeting
  - i. A Member who voted on the prevailing side or who was absent from the vote or was not a Member of Council at the time of the vote may bring a notice of motion to reconsider at a Meeting subsequent to that at which the question to be reconsidered was dealt with and shall require the support of two-thirds of the Members present in order for the motion to be carried.
  - ii. No delegations shall be permitted to speak on a Notice of Motion to reconsider.
- d) A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution, resulting in legally binding commitments that are in place on the date the motion to reconsider is considered by Council.

#### **Section 7.03 Motion Containing Two or More Matters**

- a) When a motion under consideration concerns two or more matters, upon the request of any Member, may be taken separately. Such request may also be made by the Chair.

#### **Section 7.04 Voting**

- a) After a motion is put to a vote by the Chair, no Member shall speak to it nor will any other motion be made until after the vote is taken and the result has been declared.
- b) All Members of Council or Committee will vote on all motions. Failure by any Member to announce their vote openly and individually, including an "Abstention", is deemed to be a vote in the negative.

- c) Each Member present and voting indicates his/her vote by show of hands or electronically, and no vote is taken by ballot or any other method of secret voting.
- d) The following represents the required number of votes for a majority or two-thirds majority.

<b>Number of Members Present</b>	<b>Majority Vote</b>	<b>2/3 Majority Vote</b>
<b>5</b>	3	4
<b>4</b>	3	3
<b>3</b>	2	2

**Section 7.05 Tie Vote**

- a) Any motion on which there is a tie vote is deemed to be lost.

**Section 7.06 Recorded Vote**

- a) Any Member may request a recorded vote immediately preceding or following the taking of a vote. All Members present at the Meeting shall vote unless they have declared a conflict of interest with respect to that item following which:
  - i. the Clerk shall call on Members by name according to ward number, starting with the Member who requested the recorded vote, the vote will always end with the Chair;
  - ii. each Member present that has not declared a conflict shall announce their vote openly, in the order set out above;
  - iii. if any Member present and qualified to vote does not vote when the vote is taken, he or she will have been deemed to have voted in the negative. and
  - iv. the Clerk shall announce and record the result of the vote and record how each Member voted.
- b) Notwithstanding a recorded voted, a record or notation of a Member's opposition to an issue is not recorded in any Meeting minutes.

**Section 7.07 Adjournment**

- a) All Council Meetings shall automatically adjourn three hours after commencement if still in session, unless otherwise decided by a two-thirds majority of the Members present.
- b) A Meeting that is authorized to continue past three hours, shall be automatically adjourned one hour later, unless the Meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.
- c) All Committee of the Whole Meetings shall automatically adjourn four hours after commencement if still in session, unless otherwise decided by a two-thirds majority of the Members present.
- d) A Committee of the Whole Meeting, with the exception of Committee of the Whole Budget Meetings that is authorized to continue past four hours, shall be automatically adjourned one hour later, unless the Meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.
- e) At a Meeting of Council, where a Meeting has adjourned automatically or by a motion by any Member, prior to the adjournment being effective, the Members shall consider the By-laws and Confirmatory By-law if such items have not already been addressed.
- f) A motion to adjourn may be made by any Member who has been recognized by the Chair. The motion must be Moved and Seconded. A motion to adjourn shall not be made during a vote on any other motion.

**Article VIII. Procedural By-laws for Other Boards, Committees or Commissions**

Where a board, committee or commission of the Township has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this procedure by-law with necessary modifications including the requirement that all Meetings

be open to the public, subject to the same exceptions applicable to Council Meetings as set out herein.

## **Article IX. Severability**

If any section or sections of this By-law, or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of the Township to enact, such section or sections or parts thereof shall be deemed to be severable from this By-law and all remaining sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.

## **Article X. Repeal of Previous By-law**

By-law 05-2018, as amended is hereby repealed.

By-law shall come into force and effect on the date of its passing.

READ three times and finally passed

This 12 day of July 2021.

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Chris White, Mayor

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Amanda Knight, Clerk